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Presented on behalf of Plaintiff and
Class Representative D. JACOBS

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

PEOPLE OF CITY OF LOS ANGELES WHO ARE UN-HOUSED, AS A CLASS REPRESENTED BY D. JACOBS, as representative of a class of unhoused persons who reside and resided in the streets and on the sidewalks of the City of Los Angeles,

Plaintiff,

v.

KAREN BASS, ERIC MICHAEL GARCETTI, PAUL KREKORIAN, ROBERT BLUMENFIELD, NITHYA RAMAN, KATY YAROSLAVSKY, IMELDA PADILLA, MONICA RODRIGUEZ, MARQUEECE-HARRIS-DAWSON, JOHN LEE, CURREN PRICE, HEATHER HUTT, TRACI PARK, HUGO SOTO-MARTINEZ, KEVIN DE LEON, TIM McOSKER, MONIQUE CONTRERAS, "DOE" BROWN, ONE HUNDRED UNKNOWN NAMED DEFENDANTS, 1-100,

Defendants.

COMPLAINT

(To Address City of Los Angeles-Practiced, Negative Eugenics¹ and Nazi-Like Conduct, Against the Poor and the Mentally-Disabled People, Civil Rights Violations, and Damages)

CLASS ACTION ALLEGATIONS

JURY DEMAND

¹ Eugenics is the mildest term that could be used to describe defendants' wrongful conduct: both quasi-ethnic cleansing and quasi-genocide accurately could be used.

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3 Plaintiff makes the following allegations, on behalf of himself and of
4 putative class members, in support of the this complaint, and to redress and to
5 punish defendants' Nazi-Like and fascistic, wrongful conduct, in harassing him by
6 preventing and punishing him for sleeping on a Venice sidewalk, and seizing,
7 retaining, and refusing to return to him, his personal property, in which he lived
8 and other personal items.

9 **JURISDICTION, PARTIES, AND VENUE**

10 1. Plaintiff, **D. JACOBS**, asserts federal claims, under 42 U.S.C. § 1983
11 (civil rights), against defendants, subject matter jurisdiction lies pursuant to 28
12 U.S.C. § 1331 of these federal claims.

13 2. The matters that are the bases for this action occurred in Los Angeles
14 County, California, and in the City of Los Angeles, and therefore venue lies in the
15 United States District Court for the Central District of California, and in its
16 Western Division, pursuant to 28 U.S.C. § 1391.

1 3. Plaintiff is a member of the class of un-housed persons² who lived or live

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4 ² Federal law defines the terms "homeless" or "homeless individual" or "homeless person" to include:

5 (1) an individual or family who lacks a fixed, regular, and adequate
6 nighttime residence;

7 (2) an individual or family with a primary nighttime residence that is a
8 public or private place not designed for or ordinarily used as a regular
9 sleeping accommodation for human beings, including a car, park,
abandoned building, bus or train station, airport, or camping ground;

10 (3) an individual or family living in a supervised publicly or privately
11 operated shelter designated to provide temporary living arrangements
12 (including hotels and motels paid for by Federal, State, or local government
13 programs for low-income individuals or by charitable organizations,
congregate shelters, and transitional housing);

14 (4) an individual who resided in a shelter or place not meant for human
15 habitation and who is exiting an institution where he or she temporarily
resided;

16 (5) an individual or family who--

17 (A) will imminently lose their housing, including housing they own, rent, or
18 live in without paying rent, are sharing with others, and rooms in hotels or
19 motels not paid for by Federal, State, or local government programs for low-
income individuals or by charitable organizations, as evidenced by--

20 (i) a court order resulting from an eviction action that notifies the individual
or family that they must leave within 14 days;

21 (ii) the individual or family having a primary nighttime residence that is a
22 room in a hotel or motel and where they lack the resources necessary to
reside there for more than 14 days; or

23 (iii) credible evidence indicating that the owner or renter of the housing will
24 not allow the individual or family to stay for more than 14 days, and any
25 oral statement from an individual or family seeking homeless assistance that
is found to be credible shall be considered credible evidence for purposes of
this clause;

26 (B) has no subsequent residence identified; and

27 (C) lacks the resources or support networks needed to obtain other
28 permanent housing

1 on the streets and sidewalks of the City of Los Angeles, and who number in the
2 tens of thousands (about 45,000), without shelter, and whose property, including
3 their tents, and belongings were stolen and never returned by defendants; and
4 defendants are **KAREN BASS**, who is the Mayor of the City of Los Angeles,
5 **ERIC MICHAEL GARCETTI**, was City of Los Angeles' mayor from 2012 to
6 2020; **PAUL KREKORIAN**, **ROBERT BLUMENFIELD**, **NITHYA RAMAN**,
7 **KATY YAROSLAVSKY**, **IMELDA PADILLA**, **MONICA RODRIGUEZ**,
8 **MARQUEECE-HARRIS-DAWSON**, **JOHN LEE**, **CURREN PRICE**,
9 **HEATHER HUTT**, **TRACI PARK**, **HUGO SOTO-MARTINEZ**, **KEVIN DE**
10 **LEON**, and **TIM McOSKER**, who are City of Los Angeles City Council
11 members; **MONIQUE CONTRERAS** and **"DOE" BROWN**, who are LAPD
12 thugs; and the **UNKNOWN NAMED DEFENDANTS**, whose true identities
13 presently are unknown, who participated in the wrongful acts alleged hereinbelow,
14 and whose conduct is culpable, and whose unknown names will be replaced by
15 their true identities when those true identities are learned, or are persons and/or
16 entities whose true names presently are unknown, and who engaged in some
17 conduct that is culpable with respect to plaintiff, as set forth hereinbelow. All
18 defendants engaged in the same conduct by participating in, facilitating, and
19 making the decisions to enact and to enforce anti-unhoused ordinances, to post
20 Zone ordinances signs as set forth hereinbelow, and who, specifically in this
21 action, were responsible for the negative actions of which the plaintiff complains.
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26 42 U.S.C. §11302(a). Plaintiff and class members are within the definition of this
27 section, and choose to call themselves "un-housed," because "homeless" has
28 become a pejorative term.

1 4. Defendants each and all are sued in their individual capacities, and, for
2 the claims made under *Monell v. Dep't of Soc. Svcs. of the City of New York*, 436
3 U.S. 657 (1978), all defendants are sued only in their official capacities.

4 5. Plaintiff resides on a sidewalk on Main Street, in Venice Beach,
5 California.

6 6. City of Los Angeles Municipal Code § 41.18 provides as follows:
7 **SEC. 41.18. SITTING, LYING, OR SLEEPING OR STORING, USING,**
8 **MAINTAINING, OR PLACING PERSONAL PROPERTY IN THE PUBLIC**
9 **RIGHT-OF-WAY.**

10 (Title and Section amended by Ord. No. 187,127, Eff. 9/3/21.)

11 (a) No person shall obstruct a street, sidewalk, or other public right-of-way:

12 (1) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing
13 personal property, in a manner that impedes passage, as provided by the
14 Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328
(1990), as amended from time to time;

15 (2) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing
16 personal property, within ten feet of any operational or utilizable driveway or
17 loading dock;

18 (3) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing
19 personal property, within five feet of any operational or utilizable building
20 entrance or exit;

21 (4) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing
22 personal property, within two feet of any fire hydrant, fire plug, or other fire
23 department connection;

24 (5) by sitting, lying, or sleeping, or by storing, using, maintaining, or placing
25 personal property, within the public right-of-way in a manner that obstructs or
26 unreasonably interferes with the use of the right-of-way for any activity for which
the City has issued a permit.

27 (b) No person shall obstruct any portion of any street or other public right-of-
28 way open to use by motor vehicles, or any portion of a bike lane, bike path, or

1 other public right-of-way open to use by bicycles, by sitting, lying, or sleeping, or
2 by storing, using, maintaining, or placing personal property, anywhere within the
3 street, bike lane, bike path, or other public right-of-way, as specified.

4 (c) Except as limited by Subsection (d), no person shall:

5 (1) sit, lie, sleep, or store, use, maintain, or place personal property, in or upon
6 any street, sidewalk, or other public right-of-way within the distance stated on the
7 posted signage (up to a maximum of 500 feet) of a property designated as a
8 sensitive use. For a property to be designated as a "sensitive use", the property
9 must be a Public Park, or Public Library, as those terms are defined in
10 Section 105.01 of this Code; (Amended by Ord. No. 187,586, Eff. 9/18/22.)

11 (2) sit, lie, sleep, or store, use, maintain, or place personal property, in or upon
12 any street, sidewalk, or other public right-of-way within the distance stated on the
13 posted signage (up to a maximum of 500 feet) of a designated overpass,
14 underpass, freeway ramp, tunnel, bridge, pedestrian bridge, subway, wash,
15 spreading ground, or active railway, where the City Council determines, in the
16 designating resolution, that the public health, safety, or welfare is served by the
17 prohibition, including, without limitation, by finding that sleeping or lodging
18 within the stated proximity to the designated area is unhealthy, unsafe, or
19 incompatible with safe passage;

20 (3) sit, lie, sleep, or store, use, maintain, or place personal property, in or upon
21 any street, sidewalk, or other public right-of-way, within the distance stated on the
22 posted signage (up to a maximum of 1,000 feet) of a designated facility, opened
23 after January 1, 2018, that provides shelter, safe sleeping, or safe parking to
24 homeless persons, or that serves as a homeless services navigation center;

25 (4) sit, lie, sleep, or store, use, maintain, or place personal property, in or upon
26 any street, sidewalk, or other public right-of-way that has been posted with
27 signage prohibiting sitting, lying, sleeping, or storing, using, maintaining, or
28 placing personal property. In order to designate a section of street, sidewalk, or
other public right-of-way as prohibited under this subdivision, the City Council
shall determine, in a designating resolution and based on specific documentation,
that the circumstances of continued sitting, sleeping, lying, storing personal
property, or otherwise obstructing the public right-of-way at that location poses a
particular and ongoing threat to public health or safety. Such circumstances may
include, but are not limited to: (i) the death or serious bodily injury of any person

1 at the location due to a hazardous condition; (ii) repeated serious or violent crimes,
2 including human trafficking, at the location; or (iii) the occurrence of fires that
3 resulted in a fire department response to the location. For each such location, a
4 prohibition pursuant to this subdivision shall be effective for a period of time
5 specified in the resolution, but not to exceed one year.

6 (d) No person shall be found to be in violation of any prohibition set forth in
7 Subsection (c), unless and until: (i) the City Council has taken action, by
8 resolution, to designate a specified area or areas for enforcement against sitting,
9 lying, sleeping, or storing, using, maintaining, or placing personal property, or
10 otherwise obstructing the public right-of-way; (ii) the City has posted signage at
11 the designated area or areas set forth in the resolution, with such signage including
12 reference to any required findings adopted in the resolution, and giving notice of
13 the date after which no sitting, lying, sleeping, or storing, using, maintaining, or
14 placing personal property, or otherwise obstructing the public right-of-way will be
15 allowed; and (iii) at least 14 calendar days have passed from the date on which the
16 signage is posted at the designated area or areas.

17 (e) No person shall sit, lie, sleep, or store, use, maintain, or place personal
18 property, in or upon any street, sidewalk, or other public property within 500 feet
19 of a School or Day Care Center as those terms are defined in Section 105.01 of
20 this Code. A violation of this subsection is governed by Section 41.18(f) of this
21 Code. (Added by Ord. No. 187,586, Eff. 9/18/22.)

22 (f) Violations of this section involving a person who willfully resists, delays, or
23 obstructs a City employee from enforcing this section or who willfully refuses to
24 comply after being requested to do so by an authorized City employee shall be
25 subject to the penalties set forth in Los Angeles Municipal Code (LAMC)
26 Section 11.00. All other violations of this section shall be enforceable only as
27 infractions pursuant to LAMC 11.00(m) or issuance of a citation pursuant to City's
28 Administrative Citation Enforcement Program pursuant to LAMC
Section 11.2.01 *et seq.*

It is called the "sit/lie" Ordinance.

7. Defendants and each of them play and played some material role in the
acts and/or omissions alleged hereinbelow and in the setting of policies and
enforcement of City of Los Angeles ordinances, and/or in running and
administering the City of Los Angeles Department of Public Works, and

1 Department of Public Works Bureau of Sanitation and Environment, and/or in the
 2 harassment of the un-housed people, like the plaintiff, who live on the streets, and
 3 in the confiscations, takings and stealings of their property, and in the wrongful
 4 conduct set forth hereinbelow.

5 **ALLEGATIONS COMMON TO EACH COUNT**

6 8. Each and every allegation set forth in each and every averment herein
 7 is incorporated by this reference, in each and every other averment and allegation
 8 of this pleading.

9 9. All acts and/or omissions perpetrated and/or engaged in by each
 10 defendant in their individual capacities were done maliciously, callously,
 11 oppressively, wantonly, recklessly, with deliberate indifference to the rights
 12 allegedly violated, despicably, with evil motive and/or intent, in disregard of the
 13 rights of plaintiff and class members, and in clear violation of the federal
 14 Constitution and of the California Constitution, and of controlling federal law,
 15 both statutory and common law, as set forth by both the United States Supreme
 16 Court and the United States Court of Appeals for the Ninth Circuit.

17 10. The Fourth, Eighth, and Fourteenth Amendments to the United States to
 18 the United States Constitution prohibit the threatening of and/or imposition of any
 19 penalties for merely being on, including sitting, sleeping, lying, on public
 20 property, for un-housed human beings who cannot obtain permanent shelter. The
 21 Fourth Amendment prohibits the seizures of unhoused persons' property. *See* Doc.
 22 103 in No. 2:21-cv-06003-DOC(KESx), whose contents are incorporated herein.

23 11. Sitting, lying, and sleeping are defined as acts or conditions that are
 24 universal and unavoidable consequences of being human, and that are
 25 involuntary. Un-housed persons' ownership of their property also is a consequence
 26 of being human.
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1 12. Human beings are biologically compelled to rest, whether by sitting,
2 lying, or sleeping.

3 13. As a result, just as governments may not criminalize the state of being
4 "homeless in public places," government may not "criminalize conduct that is an
5 unavoidable consequence of being unhoused -- namely sitting, lying, or sleeping
6 on the streets," or owning property, including shelter, while existing on the streets.

7 14. So long as there is a greater number of homeless individuals in the City
8 of Los Angeles than the number of available beds in its shelters, which has for
9 many years been, and presently is the case, the City of Los Angeles and defendants
10 mayor, council members, commissioners, and administrators of the Department of
11 Public Works Bureau of Sanitation and Environment, cannot threaten, extort,
12 penalize, or prohibit, or threaten or attempt to do so, unhoused individuals, for
13 involuntarily being in, sitting, lying, and sleeping on public property, or
14 confiscating their property.

15 15. The City official defendants have been told this over, and over, and
16 over, for at least 16 years, since 2006, in *Jones v. City of Los Angeles*, 444 F.3d
17 1118 (9th Cir. 2006), and again in 2014, in *Desertrain v. City of Los Angeles*, 754
18 F.3d 1147 (9th Cir. 2014), all of whose contents are incorporated herein by this
19 reference.

20 16. But none of these precedential rulings, all of which were and are binding
21 on the City and all of its officials and employees, has had any effect on these
22 officials' wrongful behavior. *See* "Using new law, L.A. City Council [all council-
23 member defendants herein] bans homeless encampments at 54 spots," detailing
24 that just five days before a complaint in one of the *Finley/Lockett* actions was
25 filed, on Oct. 24, 2021, that on Oct. 19, 2021, defendants herein, the mayor, 12 of
26 the City council members, and former City Attorney Feuer, yet again enacted
27 ordinances and counseled on the enactment of ordinances, to ban homelessness,
28 the council members by a 12-2 vote.

1 17. As long as there is no option of sleeping indoors, and there is not, the
2 City government and defendants may not criminalize indigent, unhoused, people
3 for being outdoors, parking the vehicles in which they exist on City streets,
4 sleeping outdoors, on public property, based on the false premise they these
5 human beings had any choice in the matter.

6 18. Resisting the need to be somewhere, to eat, to sleep, or to engage in
7 other life-sustaining activities is impossible. Avoiding public places, like
8 sidewalks, when engaging in these otherwise innocent conducts is impossible: as
9 long as the unhoused, street-sleeping plaintiff and class members do not have a
10 place where they can lawfully be, the challenged ordinance, as applied to them,
11 effectively punishes them for something for which they may not be convicted
12 under the Eighth Amendment, and hence, the Fourteenth Amendment, to wit,
13 being, sitting, lying down, sleeping, eating, and other innocent conduct, so that the
14 challenged ordinance, both on its face and as applied against the homeless, are
15 unconstitutional and unconstitutionally vague and overbroad.

16 19. The use of the City's ordinance to criminalize the simple acts of being
17 outside on public property and sleeping on public property, when one has nowhere
18 else she or he can be, they penalize the condition of being a human being, and, in
19 that sense are prohibited status crimes.

20 20. A municipality and its officials may not lawfully or constitutionally
21 criminalize such behavior, consistently with the Eighth Amendment, and hence the
22 Fourteenth Amendment, when no sleeping spaces are practically available in a
23 sufficient number of places and/or shelters.

24 21. So long as there is a greater number of unhoused individuals in the City
25 of Los Angeles than the number of available beds in shelters, for the unhoused,
26 City of Los Angeles and defendants may not legally enforce ordinances against
27 unhoused individuals, for involuntarily being, sitting, lying, and/or sleeping in any
28 public place, and yet they stubbornly enforce their ordinances.

1 22. Ordinances violate the Eighth Amendment, and hence the Fourteenth
2 Amendment, insofar as they impose criminal sanctions against unhoused
3 individuals, for being and/or lying down and/or sleeping outdoors, or parking their
4 vehicles where all others legally are permitted to park, on public property, when
5 no alternative shelter is available to them. *Martin*, as well as *Jones*, clearly and
6 unequivocally state this, and it is binding on all defendants, who refuse to obey it,
7 even though it incontrovertibly is the controlling and binding law.

8 23. There is no rational basis to prohibit or to punish homelessness, *see*
9 Franz Kafka, *Before the Law*, in *Kafka: The Complete Stories* (Schocken, 1971)
10 ("this gate was made only for you. I am now going to shut it."), at 4; *The Problem*
11 *of Our Laws*, in *The Complete Stories*, at 437 ("the laws were made to the
12 advantage of the nobles from the very beginning, they themselves are above the
13 laws, and that seems to be why the laws were entrusted exclusively into their
14 hands . . ."), and persons who are similarly-situation must be treated alike, and
15 defendants have acted with an intent and purpose based on plaintiff's and class
16 members' membership in the class of the homeless, in violation of the Equal
17 Protection Clause of the Fourteenth Amendment, and also have enforced
18 selectively their laws against the homeless and not against others who are not
19 homeless, all with no rational basis for such a discriminatory ordinance and its
20 enforcement, as a pretext and with an impermissible motive.

21 24. To be clear, defendants' ordinance provides for and creates the false
22 appearance of a proper function, when in fact and in reality it serves as a fictitious
23 means for defendants to rid the City's streets and sidewalks of the unhoused, and
24 to confiscate their property, as a means to just make them go away or disappear:
25 police and sanitation workers keep the homeless population off the sidewalks and
26 streets and prevent them from sitting or lying down on public sidewalks and
27 streets, as opposed to housed individuals, and this serves no legitimate
28 government purpose, and is an attempt to sweep homeless people off the streets

1 without providing them adequate shelter. The ordinance bans homeless people
2 from ever sitting or lying down when the City has left them no alternative, as they
3 lack any adequate shelter, housing, and places to rest or to go to the bathroom or
4 to wash-up, all of which the City and its officials could provide, but yet they
5 stubbornly refuse to provide, so that the selective ordinance against the homeless
6 is based on an improper motive: as Bob Dylan once sang, "ban the bums." (Bob
7 Dylan's "115th Dream," 1965),³ the higher-up defendants use the Sanitation
8 Department workers to clear away (steal) the unhoused's belongings, similarly to
9 the way the Nazis used Jewish people as straw bosses⁴ in the Nazi concentration
10 and extermination camps, and the LAPD defendants, enforce this by "standing
11 guard," like Heinrich Himmler's⁵ *Geheime Staatspolizei* (the Gestapo), while the
12 Sanitation workers confiscate and steal the unhoused's property, taking it far away
13 for "storage," to a place that the unhoused cannot reasonably reach, and then the
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15 ³ The full lyric is: "I went to get some help, I walked by a Guernsey cow, Who
16 directed me down to the Bowery slums, Where people carried signs around sayin'
17 'Ban the bums,' I jumped right into line sayin' 'I hope that I'm not late,' When I
18 realized I hadn't eaten for five days straight.'" (The Bowery is a north-south street
19 on the east side of lower Manhattan, on which homeless people historically always
20 have lived, though it now has become partly gentrified. It was the relentless object
21 of former-Mayor Rudolph W. Giuliani's (1993-2001) (yet another fascist moron)
22 so-called "quality of life" clean-up efforts, to ban the omni-present "squeegee
men," who would try to earn money by cleaning the windshields of cars who
stopped for the traffic lights, at the intersection of Bowery and Houston Streets.)

23 ⁴ A worker who has some responsibility, but little authority.

24 ⁵ The head of the *Schutzstaffel* (German for "Protection Squads," or "Protection
25 Echelon," the "SS," self-described political soldiers) and the Third Reich's chief of
26 police, from 1936 until his dismissal on May 6, 1945, just 17 days before his
27 suicide on May 23, 1945, as a British prisoner, at an interrogation camp near
28 Lüneberg, Germany.

1 property is thrown out. This is the principal means by which defendants attempt to
2 rid the City of the unhoused, making it impossible for them to exist at all, with no
3 tents for shelter, no sleeping gear, and often no personal belongings at all. It is
4 inhumane, horrible, and brazenly fascistic.⁶

5 25. All of these actions by defendants were done intentionally, in concert,
6 they are coordinated, conspiratorial, and were both attempts to do and the doing of
7 things that constitute violations under both state and federal law, and which
8 obstruct justice, all as set forth more fully herein, and defendants each and all had
9 a meeting of the minds (used only in its legal sense) to do these things.

10 26. Defendants' actions are a form of government-sanctioned eugenics⁷, to
11 alter, by government edict -- here, a parking ordinance, a specific population
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13

14 ⁶ Named for the "fasces," which was a bound bundle of wooden (often birch) rods,
15 often including an axe, with its blade emerging, which was an Italian symbol that
16 had its origin in the Etruscan civilization, and was passed on to ancient Rome,
17 where it symbolized a magistrate's power and jurisdiction. Often, it is used as a
18 representation of magisterial or collective power, law, and governance, and in
19 Roman Times was held up, by a lector, as it was carried at front of processions in
20 which a public official was walking. It became the emblem of Mussolini's National
21 Fascist Party, which took its name from the emblem. Exhibit 1 hereto. Ironically, it
22 is present on the reverse of the U.S. Mercury dime coin and behind the podium in
23 the United States House of Representatives (whose authors probably were too
24 ignorant to know its very negative significance).

25 ⁷ "Eugenics" (/ju:'dʒeniks/ *yoo-JEN-iks*; from Greek εὖ- "good" and γενής "come
26 into being, growing") is a set of beliefs and practices that aim to improve
27 the genetic quality of a human population, historically, and here, by excluding
28 people and and/or groups of people judged to be inferior, or promoting those
judged to be superior. In recent years, the term has seen a revival in bioethical
discussions, on the usage of new technologies, such as CRISPR (a gene therapy
technique) and genetic screening, with a heated debate on whether these
technologies should be called eugenics or not.

1 that is disfavored by society and by government -- the unhoused, like the Romani,
2 or Roma peoples, in England and Continental Europe.

3 27. In general, eugenics is the practice of arranging a human population to
4 increase or to decrease the occurrence of characteristics regarded as desirable or
5 undesirable. Here, poverty -- the state of being poor -- is regarded by defendants as
6 being an undesirable characteristic, and defendants' wrongful conduct as alleged
7 herein is designed to decrease the visible manifestations and occurrences of this
8 characteristic in public places. It is akin to the Nazis' and the *Geheime*
9 *Staatspolizei's* treatment of the Romani population, and the same treatment of the
10 Romani by many countries in modern-day Europe.

11 28. The American eugenics movement was formed during the late
12 Nineteenth Century and continued as late as the 1940s, and to a much lesser extent
13 into the late 20th Century.⁸ (Negative eugenics did not originate with the Nazis,
14 as commonly is believed to the case: rather, *the Nazis got it from the Americans.*)
15 The American eugenics movement embraced negative eugenics, as a purported
16 method of improving the human race, and was increasingly discredited as
17 unscientific and racially-biased during the 20th Century, especially after the
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20 ⁸ Many Americans, especially those born after the WWII, "Baby Boomers," and
21 post-Baby Boomer generations, incorrectly believe that Stanford Univ. Professor
22 William Bradford Shockley, Jr. was the father of eugenics. He was not. In the
23 1970s, Shockley contended that a higher rate of reproduction among the less
24 intelligent was having a dysgenic effect, and that a drop in average intelligence
25 ultimately would lead to a decline in civilization. He also claimed that blacks were
26 genetically inferior to whites, on an intellectual level -- a view held by the
27 National Football League until June 2021, as a means for denying brain-damaged,
28 Black, former players equal compensation to White players, in the brain damage
class action settlement. (Shockley was a candidate for the Republican nomination
in the 1982 United States Senate election in California. He ran on a single-issue
platform of highlighting the "dysgenic threat" of some racial groups, including
African-Americans, to American society.)

1 adoption of its doctrines by the Nazis (in order to justify their treatment of Jews,
2 Romani, disabled people, the mentally ill, and other minority groups). Incredibly,
3 eugenics was *not* invented by the Nazis, but rather was first employed by
4 "scientists" in New York, principally Charles Benedict Davenport, a Brooklyn-
5 born, Harvard biology professor, and miscegenationist, who believed that race
6 determined behavior. That is, the Nazis got eugenics from the Americans. It is
7 important to recognize that, in America, eugenics was and is a movement used to
8 reduce an undesired population -- as defendants here use their City of Los
9 Angeles, subject ordinance to push racist, classist, and ableist ideas, rather than a
10 movement that explicitly worked toward the improvement of the human race,
11 against unhoused persons, who are "an undesired population." *See also*,
12 involuntary sterilization, lobotomization, and William Sheldon's somatotyping, all
13 also conceived and pioneered in America. The English-language term "eugenics"
14 translates to "well-born," from the Greek word, "*eugenes*." Eugenics reinforces the
15 prejudices of the time, by deeming those with desirable genetic traits, such as
16 Whiteness, of higher economic status, and healthy, when, on the other hand, those
17 with undesirable traits are identified as non-White, of lower economic status, or
18 physically or mentally disabled.

19
20 29. Defendants are practicing modern-day eugenics against plaintiff and
21 class members. *See also LA Alliance for Human Rights v. City of Los Angeles*,
22 2:20-cv-02291-DOC-(KESx), Doc. 227 (04/20/21).

23 30. Plaintiff and class members are un-housed persons who live in the
24 streets of Los Angeles, on sidewalks and elsewhere, and whose property was
25 confiscated, and also were subjected to the seizing and throwing away their
26 belongings.
27
28

1 31. The subject ordinance sometimes is colloquially known as a "Zone"
2 ordinance, because it establishes zones from which the unhoused are sought to be
3 and are expelled.
4

5 32. Under the pretenses of "Health Hazard Removal" and "Comprehensive
6 Street & Sidewalk Cleaning," other Zone ordinances' thinly-veiled purpose, and
7 their actual effect, is to get unhoused persons off the streets and sidewalks of the
8 City of Los Angeles, and out of everyone else's sight.

9 33. They dictate "Zone Boundaries," displayed as maps, and then dictate
10 that, in those zones, there will be "Health Hazard Removal" on "Monday, Tuesday,
11 Wednesday, & Friday," during which times City employees from the Sanitation
12 Bureau, backed-up with thug-muscle by LAPD bullies, remove unhoused persons'
13 belongings, including tents, sleeping gear, and other personal items, and that, on
14 "Every Thursday, Between 7 am and 3pm" "During comprehensive cleaning no
15 one will be allowed to remain on a sidewalk." Thus, under this type of ordinance,
16 from Mondays through Fridays, City officials, sanitation workers, and thug-LAPD
17 cops manage to keep all unhoused persons off the sidewalks and streets, and those
18 who remain have all of their belongings stolen by the City and its employees.

19 34. Truly amazingly, as to any of the § 41.18 and the Zone ordinances that
20 are not in Downtown Los Angeles, an un-housed person would have to travel to a
21 City-operated facility with the Orwellian name of "The Bin," located at 507
22 Towne Avenue, in zip code 90013, on Skid Row, to retrieve his or her stolen
23 belongings, which is impossible to do, as plaintiff would have been forced to do if
24 he could have walked from Venice Beach all the way to Downtown Los Angeles,
25 and back to Venice Beach.

26 35. In October, 2022, plaintiff was issued a citation to appear in a court in
27 Beverly Hills, pursuant to § 41.18 by defendant Contreras, for living on the
28

1 sidewalk on Main Street in Venice, and this violated plaintiff's constitutional
2 rights, as set forth hereinbelow.

3
4 36. Previously, in 2021, plaintiff's tent in which he resided and all of his
5 personal belongings were stolen under the supervision of defendant Contreras,
6 pursuant to § 41.18.

7 37. Then, most recently, on Sept. 2, 2024, defendants Contreras and Brown
8 accosted plaintiff with their nightsticks, who was asleep in his tent, at the corner of
9 Main Street and Westminster Avenue, and where he still lives, and has lived for
10 six years, used excessive force against plaintiff by battering him with nightsticks
11 while he was asleep in his tent, and then, after he alighted from his tent, pursued
12 him many blocks to the Venice Boardwalk (with an LAPD helicopter also in
13 pursuit, and arrested plaintiff, with no probable cause to do so.

14 38. Plaintiff was charged by Contreras and Brown with violation of
15 California Penal Code § 245(c), that provides as follows:

16 //

17 **245(c).** Any person who commits an assault with a deadly weapon or
18 instrument, other than a firearm, or by any means likely to produce great
19 bodily injury upon the person of a peace officer or firefighter, and who knows
20 or reasonably should know that the victim is a peace officer or firefighter
21 engaged in the performance of his or her duties, when the peace officer or
22 firefighter is engaged in the performance of his or her duties, shall be
23 punished by imprisonment in the state prison for three, four, or five years.

24 38. As a result of the making and pendency of this charge, plaintiff the spent
25 from Sept. 2, 2024 to Oct. 23, 2024 in penal custody, until Oct. 23.

26 39. The charge against plaintiff was dismissed on Oct. 22, 2024, and
27 plaintiff was released.
28

1 **(Fourteenth Amendment, Due Process Violations, against all defendants, in**
2 **both their individual and official capacities, 42 U.S.C. § 1983)**

3 103. The Due Process Clause of the U.S. Constitution provides "nor shall
4 any State deprive any person of life, liberty, or property, without due process of
5 law"

6 103a. The defendants' behavior alleged herein is so egregious, so
7 outrageous, that it fairly may be described as shocking to the conscience, and also
8 it is arbitrary and capricious action by the government: it is an exercise of power
9 without any reasonable justification or legitimate governmental purpose: plain and
10 simple, it is government bullying of those who are least able to defend themselves;
11 it violates the decencies of civilized conduct in a civilized society; it is brutal and
12 offensive, and it does not comport with basic concepts of fair play and decency, so
13 that it violates plaintiff's and class members' substantive due process rights,
14 because it is the government using its vast power arbitrarily and oppressively. It
15 deprives plaintiff and class members of property without due process of law, both
16 procedurally and substantively.

17 103b. Defendants' conduct in enacting the anti-homeless ordinances and
18 enforcing them against the homeless deprive the homeless of liberty and of
19 property and thereby deny them both procedural and substantive due process of
20 law under the Fourteenth Amendment Due Process Clause.
21

22 **COUNT 5**

23 **(Monell Violations, against all defendants, against all defendants, in their**
24 **official capacities 42 U.S.C. § 1983)**

25 104. Defendants' wrongful conduct under of color of law occurred
26 so that each defendant knowingly, grossly negligently, recklessly, and with
27 deliberate indifference to the rights allegedly violated, caused to come into being,
28 maintained, fostered, condoned, approved of, either before the fact or after the

1 fact, ratified, and/or took no action to correct, an official policy, practice,
2 procedure, or custom of permitting the occurrence of the categories of wrongs set
3 forth in the immediately-preceding Count, and/or improperly, inadequately, with
4 deliberate indifference to the constitutional or other federal rights of persons,
5 grossly negligently, with reckless disregard to constitutional or other federal
6 rights, failed properly to train, to supervise, to retrain, if necessary, to monitor, or
7 to take corrective action with respect to themselves and/or their personnel with
8 respect to the types of wrongful conduct alleged in this pleading, so that each one
9 of them is legally responsible for all of the injuries and/or damages sustained by
10 plaintiffs' and class members, pursuant to the principles set forth in *Monell v.*
11 *Dep't of Social Services* and its progeny. The enforcement of § 41.18 and the
12 Zone ordinances are specific policies that are unconstitutional, and which harm the
13 plaintiff and other homeless people.

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17
18 **COUNT 6**

19 **(Conspiracy, against all defendants, in both their individual and official
20 capacities, 42 U.S.C. § 1983)**

21 105. All defendants and each of them understood and agreed, and had a
22 meeting of the minds, that they all would act in combination in the manners
23 described hereinabove and then overt acts were undertaken to carry out their
24 schemes, both hereinabove and hereinbelow.

25 **COUNT 7**

26 **(Fourteenth Amendment, Privileges and Immunities Abridgement Violations,
27 against all defendants, in both their individual and official capacities, 42
28 U.S.C. § 1983)**

1 106. The Privileges and Immunities Clause of the Fourteenth Amendment
2 provides that "No State shall make or enforce any law which shall abridge the
3 privileges and immunities of citizens of the United States."

4 106a. California Welfare & Institutions Code § 17000 provides that

5
6 every city . . . shall relieve and support all incompetent, poor,
7 indigent persons, and those incapacitated by age, disease, or
8 accident, lawfully resident therein

9 106b. This state law provides the substance of a privilege and immunity
10 enjoyed under state law to plaintiffs' and class members, and defendants' conduct
11 violates plaintiff's and class members' Fourteenth Amendment privileges and
12 immunities rights (and this as well violates plaintiffs' and class members' rights to
13 both equal protection and to due process).

14 106c. Plaintiff Finley is a citizen of Texas.

15 **COUNT 8**

16 **(Monell Violations, against all defendants, in their official capacities, 42**
17 **U.S.C. § 1983)**

18 107. Defendants' wrongful conduct under of color of law occurred
19 so that each defendant knowingly, grossly negligently, recklessly, and with
20 deliberate indifference to the rights allegedly violated, caused to come into being,
21 maintained, fostered, condoned, approved of, either before the fact or after the
22 fact, ratified, and/or took no action to correct, an official policy, practice,
23 procedure, or custom of permitting the occurrence of the categories of wrongs set
24 forth in the immediately-preceding Count, and/or improperly, inadequately, with
25 deliberate indifference to the constitutional or other federal rights of persons,
26 grossly negligently, with reckless disregard to constitutional or other federal
27 rights, failed properly to train, to supervise, to retrain, if necessary, to monitor, or
28 to take corrective action with respect to themselves and/or their personnel with

1 respect to the types of wrongful conduct alleged in this pleading, so that each one
2 of them is legally responsible for all of the injuries and/or damages sustained by
3 plaintiffs and class members, pursuant to the principles set forth in *Monell v. Dep't*
4 *of Social Services* and its progeny.

5 **COUNT 9**

6 **(Conspiracy, against all defendants, in both their individual and official**
7 **capacities, 42 U.S.C. § 1983)**

8 108. All defendants and each of them understood and agreed, and had a
9 meeting of the minds, that they all would act in combination in the manners
10 described hereinabove and then overt acts were undertaken to carry out their
11 schemes, both hereinabove and hereinbelow.

12 **COUNT 10**

13 **(Eighth Amendment, Cruel and Unusual Punishments Infliction Violations,**
14 **against all defendants in both their individual and official capacities, 42**
15 **U.S.C. § 1983)**

16 109. The Eighth Amendment Cruel and Unusual Punishment Clause
17 provides that "nor cruel and unusual punishments [may be] inflicted."

18 109a. The Eighth Amendment's Cruel and Unusual Punishment Clause
19 prohibits the imposition, or threat to impose, penalties for sitting, or lying outside,
20 or parking a motor vehicle on a public street, by unhoused persons who cannot
21 obtain shelter, and whether these activities are defined as acts or conditions, they
22 are inseparable from status, they are universal and unavoidable consequences of
23 being human -- they are one and the same thing, and are involuntary conduct that
24 is inseparable from status, because human beings are biologically compelled to
25 rest, whether by sitting, lying, or sleeping, and all of these things must occur some
26 place, here in on sidewalks, on streets, and in vehicles that are banned by the
27 subject ordinances.

28 109b. The City of Los Angeles may not, but in fact it does, criminalize
and/or punish, threaten to punish, or attempt to punish the state of being unhoused

1 in public places, nor may it criminalize conduct that is an unavoidable
2 consequence of being unhoused.

3 109c. As long as there is no option of sleeping indoors, defendants may not
4 criminalize indigent, unhoused persons for being outdoors, on public property,
5 like streets, on the false premise that that they had a choice in the matter.

6 109d. Resisting the need to eat, sleep, or engage in other life-sustaining
7 activities, is unavoidable human activity.

8 109e. Avoiding public streets when engaging in this otherwise innocent
9 behavior also is impossible.

10 109f. Unhoused persons may not be punished, without the punishment
11 being cruel and unusual, because such persons may not be convicted under the
12 Eighth Amendment for innocent conduct.

13 109g. Prohibiting or interfering with sleeping in a public place as applied to
14 unhoused persons is unconstitutional, as is the taking away of their property
15 and/or housing.

16 109h. Here, defendants' application of their ordinances criminalizes
17 conduct that is not criminal, and thus is unconstitutional.

18 109i. Ordinances that prevent the use of public property as a temporary or
19 permanent place of dwelling, lodging, or residence, for storage of personal
20 belongings, for cooking, or using temporary structures -- is unconstitutional.

21 109j. The subject ordinances and the conduct against plaintiff were and are
22 aimed only at unhoused persons who live or who reside in the streets or on
23 sidewalks, and, as such are unconstitutional.

24 109k. Section 41.18 criminalizes the state of being homeless.

25
26 **COUNT 11**
27 **(Monell Violations, against all defendants, in their official capacities, 42**
28 **U.S.C. § 1983)**

1 110. Defendants' wrongful conduct under of color of law occurred
2 so that each defendant knowingly, grossly negligently, recklessly, and with
3 deliberate indifference to the rights allegedly violated, caused to come into being,
4 maintained, fostered, condoned, approved of, either before the fact or after the
5 fact, ratified, and/or took no action to correct, an official policy, practice,
6 procedure, or custom of permitting the occurrence of the categories of wrongs set
7 forth in the immediately-preceding Count, and/or improperly, inadequately, with
8 deliberate indifference to the constitutional or other federal rights of persons,
9 grossly negligently, with reckless disregard to constitutional or other federal
10 rights, failed properly to train, to supervise, to retrain, if necessary, to monitor, or
11 to take corrective action with respect to themselves and/or their personnel with
12 respect to the types of wrongful conduct alleged in this pleading, so that each one
13 of them is legally responsible for all of the injuries and/or damages sustained by
14 plaintiffs' and class members, pursuant to the principles set forth in *Monell v.*
15 *Dep't of Social Services* and its progeny.

16 //

17 //

18
19 **COUNT 12**
20 **(Conspiracy, against all defendants, in their official capacities, 42 U.S.C. §**
21 **1983)**

22 111. All defendants and each of them understood and agreed, and had a
23 meeting of the minds, that they all would act in combination in the manners
24 described hereinabove and then overt acts were undertaken to carry out their
25 schemes, both hereinabove and hereinbelow.

26 **COUNT 13**
27 **(Eighth Amendment, Excessive Fines Imposition Violations, against all**
28 **defendants in both their individual and official capacities, 42 U.S.C. § 1983)**

1 112. The Eighth Amendments' Excessive Fines Clause provides that "nor
2 shall excessive fines [be] imposed."

3 112a. A fine is "excessive" if it is not proportional to and related to the
4 gravity of the offense that it is designed to punish.

5 112b. The factors to be considered are the nature and extent of the
6 underlying offense (none), whether the underlying offense is related to other
7 illegal activities (none), whether other penalties may be imposed for the offense
8 (none), and the extent of the harm caused by the offense (none). Here, defendants
9 created and enforce ordinances to keep rich, habitated folks, who don't want to be
10 bothered by seeing poor, unhoused folks who are forced to live on the sidewalks
11 and streets and in vehicles, and none of the four, evaluative factors is applicable,
12 so that the subject ordinances' and their enforcement -- by confiscating and
13 stealing unhoused persons' property, and thus depriving a poor person or her or his
14 home, is Nazi-esque, unfounded, draconian, and unconstitutional.

15 112c. The horror of a rich person having to endure seeing a poor person at
16 all is not a legitimate reason for enforcement of the subject ordinances. It is an
17 ugly, neighborhood beautification project.

18 113d. Defendants' wrongful conduct, as set forth hereinabove is in violation
19 of the Ninth Circuit's decision in *Pimentel v. City of Los Angeles*, 974 F.3d 917
20 (9th Cir. 2020) (Eighth Amendment's Excessive Fines Clause applies to municipal
21 parking fines, notwithstanding that California changed its categorization of
22 parking fines from criminal penalties to civil penalties), *as amended on denial of*
23 *reh'g and reh'g en banc*, in which two of the City defendants' defense counsel
24 herein, defendant Feuer and Gabriel Dermer, lost in the Ninth Circuit.

25 113e. Defendants theft and refusal to return plaintiff's property constitutes
26 the imposition of an excessive fine.

27 113f. Section 41.18 criminalizes the condition of being homeless.
28

COUNT 14
(*Monell* Violations, against all defendants, in their official capacities, 42 U.S.C. § 1983)

113. Defendants' wrongful conduct under of color of law occurred so that each defendant knowingly, grossly negligently, recklessly, and with deliberate indifference to the rights allegedly violated, caused to come into being, maintained, fostered, condoned, approved of, either before the fact or after the fact, ratified, and/or took no action to correct, an official policy, practice, procedure, or custom of permitting the occurrence of the categories of wrongs set forth in the immediately-preceding Count, and/or improperly, inadequately, with deliberate indifference to the constitutional or other federal rights of persons, grossly negligently, with reckless disregard to constitutional or other federal rights, failed properly to train, to supervise, to retrain, if necessary, to monitor, or to take corrective action with respect to themselves and/or their personnel with respect to the types of wrongful conduct alleged in this pleading, so that each one of them is legally responsible for all of the injuries and/or damages sustained by plaintiff and class members, pursuant to the principles set forth in *Monell v. Dep't of Social Services* and its progeny.

COUNT 15
(Conspiracy, against all defendants, in their official capacities, 42 U.S.C. § 1983)

114. All defendants and each of them understood and agreed, and had a meeting of the minds, that they all would act in combination in the manners described hereinabove and then overt acts were undertaken to carry out their schemes, both hereinabove and hereinbelow.

115.-141. Reserved.

COUNT 16

(Fourth Amendment Violations Under § 1983, Against All Defendants In Both Their Individual And Official Capacities)

207. Plaintiff incorporates herein all of the material in the court's Nov. 11, 2021 minute order and, based thereon and on the allegations set forth hereinabove, allege that defendants violated plaintiff's Fourth Amendment rights, and by virtue thereof, are liable to plaintiff for both injunctive relief and in damages. The minute order is consistent with other controlling Fourth Amendment jurisprudence. Stealing plaintiff's property is a seizure, and “[a] seizure conducted without a warrant is per se unreasonable under the Fourth Amendment—subject only to a few specifically established and well delineated exceptions, and the burden is on the Government to persuade the district court that a seizure comes under one of a few specifically established exceptions to the warrant requirement.” *United States v. Hawkins*, 249 F.3d 867, 872 (9th Cir. 2001) ("A seizure conducted without a warrant is 'per se unreasonable under the Fourth Amendment—subject only to a few specifically established and well delineated exceptions.' *Minnesota v. Dickerson*, 508 U.S. 366, 372, 113 S.Ct. 2130, 124 L.Ed.2d 334 (1993) (internal quotation marks and citations omitted). The burden is on the Government to persuade the district court that a seizure comes "under one of a few specifically established exceptions to the warrant requirement.' *United States v. Huguez-Ibarra*, 954 F.2d 546, 551 (9th Cir.1992).").

COUNT 17
(Monell Violations, against all defendants, in their official capacities, 42 U.S.C. § 1983)

208. Defendants' wrongful conduct under of color of law occurred so that each defendant knowingly, grossly negligently, recklessly, and with deliberate indifference to the rights allegedly violated, caused to come into being, maintained, fostered, condoned, approved of, either before the fact or after the

1 fact, ratified, and/or took no action to correct, an official policy, practice,
2 procedure, or custom of permitting the occurrence of the categories of wrongs set
3 forth in the immediately-preceding Count, and/or improperly, inadequately, with
4 deliberate indifference to the constitutional or other federal rights of persons,
5 grossly negligently, with reckless disregard to constitutional or other federal
6 rights, failed properly to train, to supervise, to retrain, if necessary, to monitor, or
7 to take corrective action with respect to themselves and/or their personnel with
8 respect to the types of wrongful conduct alleged in this pleading, so that each one
9 of them is legally responsible for all of the injuries and/or damages sustained by
10 plaintiffs and class members, pursuant to the principles set forth in *Monell v. Dep't*
11 *of Social Services* and its progeny.

12 **COUNT 18**

13 **(Conspiracy, against all defendants, in both their individual and official**
14 **capacities, 42 U.S.C. § 1983)**

15 209. All defendants and each of them understood and agreed, and had a
16 meeting of the minds, that they all would act in combination in the manners
17 described hereinabove and then overt acts were undertaken to carry out their
18 schemes, both hereinabove and hereinbelow.

19 **COUNT 19**

20 **(Fourth Amendment, excessive force claims, against all defendants, in both**
21 **their individual and official capacities, 42 U.S.C. § 1983)**

22 210. Defendants used excessive force against plaintiff by striking him with
23 their batons.

24 **COUNT 20**

25 **(Fourth Amendment, baseless prosecution claims, against all defendants, in**
26 **both their individual and official capacities, 42 U.S.C. § 1983)**

27 211. Defendants baseless prosecuted plaintiff by initiating a Penal Code §
28 245(c) charge against him, without probable cause and with malice, that charge

1 against plaintiff was dismissed, and as a result defendants are liable to plaintiff for
2 making a baseless criminal charge against plaintiff.

3 2120.-272. Reserved.

4 **CLASS ACTION ALLEGATIONS**

5 273. Plaintiff is a member of a class, whose defining characteristics are that
6 he is an unhoused person who lived and lives on the streets and sidewalks of the
7 City of Los Angeles, and whose personal property was stolen and never returned
8 by City employees.

9 274. The class may contain about 45,000 people, and the class is so
10 numerous so that joinder of all members is impracticable.

11 275. There are only common questions of fact and of law with respect to all
12 class members of each class, who were prevented from existing at all and whose
13 property was stolen, and who are in imminent jeopardy of being deprived of
14 anywhere to exist at all, and whose members are in imminent jeopardy of being
15 ousted from their habitations on the streets of the City of Los Angeles and their
16 belongings, shelters, and property being stolen and/or taken away, to a place they
17 physically are unable to reach, possibly to reclaim it.

18 276. The claims made by the representative party of the class, plaintiff, are
19 typical of the claims of each class member.

20 277. The representative of the class, plaintiff, more than fairly, vigorously,
21 and zealously will represent and adequately protect the interests of all class
22 members, both themselves and through their zealous attorney.

23 278. Prosecution of separate actions by individual class members would
24 create a risk of inconsistent and/or varying adjudications with respect to class
25 members, which would establish incompatible standards for parties opposing the
26 classes, and defendants have acted and will continue to act on grounds generally
27 applicable to every class member in both classes, and the class questions not only
28

1 predominate but are the only questions that exist, and this action is the far superior
2 manner to other available methods for fairly and efficiently adjudicating the
3 controversies.

4 279. Specifically, the class members' interests in individually controlling the
5 prosecution or defense in separate actions do not exist, and there are no anticipated
6 difficulties in managing this class action, especially as to identification of the
7 amount of damages, identification of class members, and providing actual notice
8 to virtually all class members.

9 280. Therefore, this action is maintainable under Fed. R. Civ. P. Rule 23(a),
10 & 23(b)(1)(A),(B)(1), (2), and (3).

11 281. There would appear to be no notice requirement as to (B)(1) & (2)
12 classes, the nature of the notice to be provided to class members would be decided
13 by the court, at the appropriate time.

14 **WHEREFORE**, plaintiff and class members request relief against each
15 defendant as follows:

16 1. Compensatory damages for all violations, in sums in excess of
17 \$1,000,000.00, exclusive of costs and interest;

18 2. Punitive damages, in a sum to be determined by a jury, and as a
19 percentage of the net worth of each defendant, in a sum sufficient to deter future
20 misconduct, and not less than \$1,000,000.00 per defendant;

21 3. Injunctive relief, according to law;

22 4. The costs of action and interest;

23 5. Attorneys' fees; and,

24 7. Such other relief as is just and proper.

25 **JURY DEMAND**

26 Plaintiffs demand trial by jury of all issues.

27 **YAGMAN + REICHMANN, LLP**

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By: /s/ Stephen Yagman
STEPHEN YAGMAN